

Order

Michigan Supreme Court
Lansing, Michigan

May 31, 2005

Clifford W. Taylor
Chief Justice

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman
Justices

ADM File No. 2004-47

Amendment of
Rule 7.302 of the
Michigan Court Rules

On order of the Court, notice of the proposed changes and an opportunity for comment in writing and at a public hearing having been provided, and consideration having been given to the comments received, the following amendment of Rule 7.302 of the Michigan Court Rules is adopted, effective September 1, 2005.

[Additions are indicated below in underlining and
deletions are shown in strikeout.]

Rule 7.302 Application for Leave to Appeal

(A)-(B)[Unchanged.]

(C) When to File.

(1)-(3)[Unchanged.]

(4) Decisions Remanding for Further Proceedings. If the decision of the Court of Appeals remands the case to a lower court for further proceedings, an application for leave may be filed within 28 days in appeals from orders terminating parental rights, 42 days in other civil cases, or 56 days in criminal cases, after

(a) the Court of Appeals decision ordering the remand, ~~or~~

(b) the Court of Appeals clerk mails notice of an order denying a timely filed motion for rehearing of a decision remanding the case to the lower court for further proceedings, or

~~(b)~~(c) the Court of Appeals decision disposing of the case following the remand procedure, in which case an application may be made on all issues raised in the Court of Appeals, including those related to the remand question.

(5)-(6) [Unchanged.]

(D)-(H) [Unchanged.]

Staff Comment: The amendment of MCR 7.302(C)(4), effective September 1, 2005, allows a party to seek leave to appeal in the Michigan Supreme Court from the denial of a motion for rehearing of a Court of Appeals decision to remand a case to the trial court. The amendment also adds language that clarifies that a 28-day time limit applies to applications for leave to appeal in appeals from orders terminating parental rights.

The staff comment is published only for the benefit of the bench and bar and is not an authoritative construction by the Court.



I, CORBIN R. DAVIS, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

May 31, 2005 Corbin R. Davis
Clerk